

litigation. Both consumers and manufacturers end up losers. Consumers lose because they receive inadequate compensation. Some estimates have shown that our tort system consumes 57 cents of every \$1 awarded in lawsuits.

In addition, consumers wait unreasonable amounts of time before they receive compensation, and often pay outrageous fees to their attorneys.

Manufacturers lose because liability concerns stifle research and development.

A recent survey showed that because of fear of litigation, 47 percent of companies had withdrawn products from the market; 25 percent had discontinued some kind of research; and 8 percent actually had laid off workers.

In fact in 1 year alone, Texas lost 79,000 jobs due to the cost of the liability system.

Each year there are more than 70,000 product liability lawsuits filed in the United States—yet Great Britain only has an average of 200.

Now, this is only one of the reasons liability insurance costs are 20 times higher in the United States than in Europe.

As a result of this well-known liability gold-rush, the United States as a nation loses as well.

According to the Product Liability Coordinating Committee, the cost of product liability ranges from \$80 to \$120 billion per year.

These costs are passed directly on to you and me as consumers. Appropriately, this is known as the tort tax.

For example, manufacturers of football helmets add \$100 to the cost of a \$200 helmet. Auto manufacturers add \$500 to the price of a new car, and the markers of a \$100 stepladder will add another \$20 to its cost, just to cover potential liability.

I know many of my colleagues have mentioned this, but I want to reiterate the fact that right here in Washington, DC, the Girl Scout Council must sell 87,000 boxes of Girl Scout cookies each year just to cover the cost of their liability insurance.

In my own State of Minnesota, Attorney General Hubert Humphrey III, the son of Minnesota's great U.S. Senator, recently testified before the State legislature that his office spent \$340,000 in 1994 defending Minnesota against frivolous lawsuits. Attorney General Humphrey offered a top-10 list of lawsuits from Minnesota inmates. These are just a few of the ridiculous claims that prisoners have filed:

One prisoner claimed he had a constitutional right to a computer in his jail cell. One claimed that the President gave him a fungus.

Another prisoner claimed underwear was not provided, and when it was provided, it was so tight that it constituted cruel and unusual punishment.

If you think these lawsuits are laughable, try Mr. Humphrey's No. 1 frivolous lawsuit: One prisoner claimed that his primary reason for filing a lawsuit was "pure delight in spending tax-

payers' money." I understand that suits like these may be rare. However, they typify the problems with our current system.

The Gorton-Rockefeller Product Liability Fairness Act will address many of the problems faced by well-intentioned, honest manufacturers.

This legislation will establish alternative dispute resolution, extend protection to product sellers, provide an absolute defense for injuries received when the plaintiff was under the influence of drugs or alcohol, and prevent automobile rental companies from being held liable for damages caused by the renters of its cars when the company is not at fault.

In addition, the Gorton-Rockefeller bill will provide much-needed relief to suppliers of biomaterials. Currently, raw material suppliers who have no direct role in the raw material's ultimate use as a biomaterial share extraordinary and irrational liability risk with device manufacturers.

Companies such as DuPont, Dow Chemical, and Dow Corning have decided to stop supplying manufacturers of medical devices with raw materials for fear of lawsuits. This legislation is progress, and is the first step in the right direction.

While I am encouraged by the hard work of the Senators from Washington State and West Virginia, I am concerned that we may be opening up a new can of worms, when this legislation is signed into law.

While it will offer protection for product manufacturers, my fear is that it will leave the service industry as the only remaining deep pocket.

I believe the Senate should continue moving forward to reform our liability system, making sure that individuals who deserve compensation are made whole and that individuals who are not at fault are not held liable for someone else's actions.

Mr. President, we should take this historic opportunity today to approve the Product Liability Fairness Act, and in doing so ensure that our liability system is fair to all parties involved, not just those who are looking for their golden nugget in the liability gold-rush.

EXTENSION OF MORNING BUSINESS

Mr. BRYAN. Mr. President, I ask unanimous consent that morning business be extended until the hour of 12:10.

The ACTING PRESIDENT pro tempore. Hearing no objection, so ordered.

NEI ADVERTISING CAMPAIGN

Mr. BRYAN. Mr. President, I would like to bring to the attention of my colleagues an advertisement currently getting wide circulation by the nuclear power industry.

This advertisement touts the virtues of legislation introduced for the nu-

clear power industry to address the industry's nuclear waste problem.

As many of my colleagues are aware, the industry's solution to its waste problem has, for a number of years, been very simple: ship the waste to Nevada.

Since 1982, Nevada has been the target of the nuclear powder industry's efforts to move its toxic high-level waste away from reactor sites.

Under current law, Yucca Mountain, 90 miles north of Las Vegas, is being studied, supposedly to determine its suitability as a site for a permanent geologic repository.

The repository program has had immense problems.

With \$4.5 billion spent to date on the program, Yucca Mountain is no closer to accepting the nuclear power industry's waste than it was 13 years ago, when Congress passed the first Nuclear Waste Policy Act.

I am not alone in my opinion that a repository will never be built at Yucca Mountain.

The nuclear power industry is also frustrated.

In a curious juxtaposition from the Nevada perspective, the industry thinks the DOE is being too careful, paying too much attention to environmental concerns, and simply not moving fast enough.

While the nuclear power industry still maintains that Nevada is perfectly suitable to host their repository, it has come to the conclusion that Yucca Mountain will never solve its high-level waste problem.

The nuclear power industry has a new solution, and of course, Nevada is once again the victim.

The nuclear power industry's new strategy is to designate Nevada as the site for its interim storage, beginning in 1998.

While the "interim" designation is supposed to imply a temporary facility, the nuclear power industry defines "interim" as 100 years, subject to renewal.

The motive is patently transparent: ship high level nuclear waste to Nevada as soon as possible, without any regard for the health and safety of Nevadans, and then forget about it.

The type of public relations campaign being mounted here is nothing new.

While we in Nevada have long experience with such campaigns by the nuclear power industry and its hired flacks, I have to admit that this latest advertisement is a masterpiece of deception and misinformation.

The headline alone reveals the deceptiveness of the advertisement.

"There are 109 good reasons to store nuclear waste in 1 place" proclaims the nuclear industry's advertisement.

The headline appeals to the logic of the reader—of course, the reader thinks, 1 site is better than 109.

The problem is, of course, that the advertisement does not tell the true story.